

EXHIBIT B

Sent: Sun, 4 Nov 2012 15:18:31 -0500
Subject: Election Protection Plan
From: Daniel Altschuler <daniel.altschuler@maketheroadny.org>
To: Ana Maria Archila <AnaMaria.Archila@maketheroadny.org>
[2012.11.4.Know Your Rights Election Day.doc](#)
[Election Protection Memo.pdf](#)
[LJ Training, Part 1.pdf](#)
[LJ Training, Part 2.pdf](#)

Dear All,

Below is a description of the election protection plan for our Long Island and NYC offices.

Monday

1. All legal team members will attend a 5pm webinar organized by NYCLU. Here is the call-in info: 866-866-2244, code: 1460813. Note that this webinar is geared towards people working with NYCLU's election protection effort, which includes poll site visits. We're not doing the latter, but it should still provide useful information on election protection.
2. Organizers in charge of each site (DC, KCB, IL, and DA) should make sure that they have coverage for the phone line from 6am - 9pm. This line should be kept clear for the day, though people who are answering these calls can be making GOTV calls from another phone if call volume is low.
3. Everyone should review the attached files. These are just a few pages (much shorter than the poll worker manual I sent last week), so this should really just take a few minutes to review.

Tuesday--Election Day

1. We will have one phone line at each site (LI, SI, and QNS) being answered from 6am - 9pm on Election Day for people to call if they A) have a question or problem about voting or B) need a ride.
2. The person on the phone--who should be a fellow / organizer / trained volunteer--should answer the question if it's simple (e.g., How can I find my poll site? What time are polls open?). If it's a legal question they can't answer, they should get the legal team member on call at that site.
3. The legal team members on call at each site are the following: Sara C in Long Island; Aura Z in Queens; Sebastian S in SI. You are all heros--thank you!
4. If our legal team members encounter questions they can't answer, they should contact NYCLU lawyers with greater expertise who have agreed to be on call. These are Brooke Menschel (617-571-6376) and Amol Sinha (347-921-3155). Please only call these folks if you really need it, and don't give these phone numbers out, as they're personal cell numbers.

OK, I think that's all for now. If you haven't let me know if you can make the webinar yet, please do so ASAP.

Thanks again to all of you for your help,
Daniel

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Memo

To: Phone Line Volunteers

Re: Election Day Script– Suffolk County Voter Complaint Line

We are a **non-partisan** project. Do not express any favor or disfavor or opinion about the candidates or any party even if invited to “chat”. It could be a trap for the unwary.

Before handling the phone line, do review the Voter rights training materials – 4 pages. Talk to me if you have questions.

We need to take notes and record the caller’s information on a template form. Keep each call to a limited time. If a call is particularly difficult and requires more investigation and possible advocacy, get the caller’s name and phone info so we can call back from a different line or cell line.

COMMON QUESTIONS AND ANSWERS

1. Am I registered to vote?
2. Where is the polling site that I should go to vote?

Ask the voter to call [REDACTED]

Long Island 631-231-2720 x 6
631-281-4804

¹
Queens: 718-565-2500 x 4452
Staten Island:

They can speak directly with the caller and check the websites to get the info. We need to keep the above 631- phone open for more serious matters.

3. Voter complains poll worker could not find name on the official list.

Did the poll worker do a fair search of voter's name or was negligent?

Did the voter relocate / move away from the last registered voter address?

Failed to file updated address info?

- The voter can only vote in the same election district ED. To confirm the proper ED site, a voter must ask the site Coordinator to check electronic voter dbase based on the current address.
- If a voter has **not** voted consecutively for the last 2 federal elections, then the voter's name will likely be put on an "**Inactive**" list. Assuming, the voter still lives in the same election district or same address, she or he can "reactivate" and vote by Affidavit Ballot.
- If voter has voted i recent elections and has not changed home address, then ask to check to see the voter list again. If name is still not found, tell voter to call the above back-up phone number so that we can check whether he or she is actually registered and at the proper election district; or, have the voter insist on casting an Affidavit Ballot.
- Did voter already request and receive an absentee ballot in the mail? If so, the person cannot vote in-person UNLESS the absentee ballot vote is brought in and turned over. (Absentee ballot NOT cast)
- Ask if the voter was registered under maiden or married name.

- Was the voter challenged by anyone about qualification to vote?
If so, we may need to trouble-shoot.

4. **Voter ID Questions** – we want to document this issue carefully to see if poll workers were properly trained or requiring too much ID.

- New York State voters do NOT need to present ANY ID (photo or non-photo); only to verify name, address and have signature compared with the voter list past signature(s) and info.
- **Exception** – if voter mailed in voter registration form after 2004 and did not include a copy of a photo ID, the voter list will have a notation that requires ID proof to verify the voter.
- Acceptable ID – valid UNEXPIRED NY State driver's license, state ID non-driver license, US passport, utility or phone bill, paystub, paycheck or other government issued paper. Voter's current address and full name can be pieced together.

Three Key Election Day Documents

The Official Paper Ballot (which has candidate names and voter marks circles to indicate choice); this will be fed in or scanned into another machine for counting.

The Affidavit or Provisional Ballot (Sworn Declaration) for all situations where voter's name is not found, or qualification is being challenged, and, other disputes. There is no guarantee that this will be counted UNTIL the Board of Elections staff checks its records to see if voter was in fact eligible to vote and at what location.

The Emergency Ballot used by the voter only when the normal voting machine is out of commission, being repaired etc.

Elderly and Disability Access

Ordinarily, the public polling sites should have proper ramps for wheel chaired voters, and, easy physical access for all voters.

A physically disabled voter who is visually impaired, deaf, or partially may decide to use the one dedicated electronic voting machine that serves the needs of the handicapped. Same machine should also have Spanish language assistance, too, for non-literate voters....

Elderly, disabled and illiterate voters must be advised to affirmatively ask for assistance from the site Coordinator of Inspectors. (They will wear a button that identifies their title and names). If such a voter has brought someone inside to help the voter, it is OK, and should not be discouraged or denied such aide.

Language Access

All election materials and Board of Elections operations in Suffolk County must be available to assist Spanish-language voters. Remind callers to look for sample ballots and voter instructions on how to vote, how to use the machine, etc. which are supposed to be POSTED on the wall inside each polling site.

In addition, Spanish speaking bilingual poll worker(s) must be available too. If not in compliance, take the info to document that failure.

Serious Threats and Intimidation of Voter

Please review the **Checklist – Types of Election Day Problems** in the training booklet. Speak to me or call me on my cell phone if I have stepped away from the office.

A range of misconduct can occur in order to deprive a person of his or her vote. A first-time voter has to be given confidence to assert his or her right to vote. Machine breakdowns, rude or inhospitable poll workers, long lines or failure to supply enough paper ballots can frustrate voters, especially if delays are created

and a person is anxious to go to work, etc. These situations increase the risk of a voter leaving without casting a vote.

It is possible that some problems are caused by poor training or poor supervision of poll workers. However, we advise the complainant to be calm and to take down information. If there is no fault or failing on the part of the voter, then always advise that the voter insist on voting by completing an Affidavit Ballot.

The Board of Elections is required to notify the voter after the election as to what happened – whether vote was counted or not.

Were police officers inside the polling site? Do we know why? Was there anyone announcing improper information about voter ID rules or other wrong information to confuse a voter?

Voters Being Challenged

A challenger must also be a registered voter, and complete a sworn declaration stating the reasons why he challenged voter is not qualified to vote. Make sure the voter who is being challenged demands and completes the Affidavit Ballot on-site.

The site Coordinator or Inspector will deal with these issues. Several legal reasons under law can be used to challenge a voter. See training booklet.

THINK – Is it an individual case? Could this be evidence of a vote suppression campaign? Is there a pattern of voters being challenged or intimidated at this polling site? Denied the vote? Does it appear that certain kinds of voters are being targeted? Ask the complainant if this election precinct / area hold a high number of minority, elderly, and immigrant voters.

Other Voter Issues to be discussed / Reality- based Analysis

Lawyers

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

LI

Sara C.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ONS

Aura Z

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

SI

Sebastian S.

[REDACTED]
[REDACTED]

[REDACTED]

Legal Experts' Phones

- Brooke Menschel
617-571-6376

- Amol Sinha

347 921 3155